

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer

Civil Action No. 11-cv-02472-REB-CBS

DEUTSCHE BANK TRUST COMPANY AMERICAS, in its capacity as successor indenture trustee for a certain series of Senior Notes,
LAW DEBENTURE TRUST COMPANY OF NEW YORK, in its capacity as successor indenture trustee for a certain series of Senior Notes, and
WILMINGTON TRUST COMPANY, in its capacity as successor indenture trustee for the PHONES Notes,

Plaintiffs,

v.

BOB FUSHIMI;
CLOVIA L. FUSHIMI;
JANNA L. GADDEN;
DONNA C. LIES;
MARK S. LIES;
BARBARA MARTELL;
GREAT-WEST LIFE ASSURANCE CO.;
MAXIM FOREIGN EQUITY PORTFOLIO;
NORA E. MORGENSTERN;
QUIXOTE CAPITAL MANAGEMENT;
DEANN K. RILEY;
DAVID L. RILEY;
SARA ROONEY;
KIMBERLY SCHATZ;
THE EDWARD J. SIDNEY TRUST U/A 07/22/76;
RUTH WOTTGE;
EIGHTH DISTRICT ELECTRICAL PENSION FUND;
QCM ABSOLUTE RETURN FUND;
QUIXOTE PARTNERS LLC;
A. HOYER;
SCOTTRADE, INC.;
E. GALLAGHER;
F. TONG;
HOYER/LEMTS;
MAK/TU;
DENNIS. J. BRITT;
DENNIS J. BRITT ROLLOVER IRA;

SIMON WOTTGE;
MAXIM T. ROWE PRICE EQUITY/INCOME PORTFOLIO;
T. ROWE PRICE GROUP INC.;
JOHN DOE DEFENDANTS 1 – 5000;
AND
MAXIM SERIES FUND, INC.;
EDWARD J. SIDNEY, AS TRUSTEE OF THE EDWARD J. SIDNEY TRUST U/A/ 07/22/76;
FRED MARTELL;
DONALD ROONEY;
JEFFREY SCHATZ;
ON BEHALF OF THEMSELVES AND A CLASS OF SIMILARLY SITUATED PERSONS
AND ENTITIES,

Defendants.

ORDER OF RECUSAL


Magistrate Judge Craig B. Shaffer

This matter was drawn to me upon the filing of the Complaint on September 20, 2011. Pursuant to the Order of Reference dated September 22, 2011, (doc. # 7), this civil action was referred to the Magistrate Judge to, inter alia, “[h]ear and determine pretrial matters, including discovery and other nondispositive motions”

In accordance with 28 U.S.C. § 455(a), a Magistrate Judge shall disqualify himself “in any proceeding in which his impartiality might be reasonably be questioned.” Given the named parties in this case, questions about my impartiality might be reasonably raised. Accordingly, I hereby recuse myself from this action. The Clerk of Court shall assign another magistrate judge to this case.

DATED at Denver, Colorado, this 30th day of September, 2011.

BY THE COURT:



Craig B. Shaffer
United States Magistrate Judge